

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH E. DIXON,	:	Case No. 4:13-CV-2762
	:	
Plaintiff	:	(Judge Brann)
	:	
v.	:	
	:	
ROGER WILLIAMS, <i>et al.</i> ,	:	(Magistrate Judge Mehalchick)
	:	
Defendants	:	

**ORDER**

September 28, 2015

**BACKGROUND:**

*Pro se* Plaintiff initiated the instant action on October 7, 2013. ECF No. 1. Plaintiff filed an amended complaint on September 29, 2014. ECF No. 39. On August 3, 2015, Magistrate Judge Karoline Mehalchick submitted a report and recommendation regarding Plaintiff's amended complaint. ECF No. 65. Plaintiff filed objections to the report and recommendation on September 11, 2015 and September 17, 2015. ECF Nos. 70 & 71. On September 24, 2015, Plaintiff withdrew the September 11, 2015 objection. ECF No. 72. Defendant filed an objection to the report and recommendation on August 17, 2015. ECF No. 66.

The undersigned has given full and independent consideration to the report and recommendation of the magistrate judge, together with the objections from

both parties. Because this Court agrees with Magistrate Judge Mehalchick's assessment, the Court will not rehash the sound reasoning of the magistrate judge and will adopt the report and recommendation in its entirety.

**IT IS HEREBY ORDERED THAT:**

1. The August 3, 2015 Report and Recommendation of Magistrate Judge Mehalchick is **ADOPTED** in full. ECF No. 65.
2. Defendant's motion to dismiss Plaintiff's amended complaint is **GRANTED IN PART** and **DENIED IN PART**. ECF No. 42.
3. Plaintiff's Fourteenth Amendment due process claim is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;
4. Plaintiff's Fourteenth Amendment equal protection claim is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;
5. Plaintiff's Fourth Amendment excessive use of force claim is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;
6. Plaintiff is permitted to proceed with his Fourth Amendment false

arrest/illegal seizure claims;

7. Plaintiff is permitted to proceed with his claims under the Pennsylvania Uniform Criminal Extradition Act;
8. This matter is remanded to Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

/s Matthew W. Brann

Matthew W. Brann

United States District Judge